

PRESTON C. REGEHR (6317)  
BENJAMIN D. STANLEY (14337)  
TechLaw Ventures, PLLC  
Attorney for Power Music, Inc.  
3290 Mayflower Way  
Lehi, Utah 84043  
Telephone: (801) 805-3688  
Facsimile: (801) 852-8203

---

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

---

POWER MUSIC, INC., a Nevada corporation,

Plaintiff,

vs.

THE STEP COMPANY dba MOSSA, a Georgia  
corporation,

Defendant.

Case No. 1:15-cv-00065-RJS

**COMPLAINT  
FOR TRADEMARK  
INFRINGEMENT, FALSE  
DESIGNATION OF ORIGIN,  
UNFAIR COMPETITION,  
DILUTION, AND AN ACCOUNTING**

Judge Robert J. Shelby

**JURY DEMANDED**

---

Plaintiff Power Music, Inc. ("Power Music") complains of the defendant The Step Company dba MOSSA ("MOSSA") and alleges as follows:

**NATURE OF THE CASE**

1. This is an action by Power Music for federal trademark infringement and unfair competition in violation of the Lanham Act, 15 U.S.C. §§ 1051 *et seq*, as well as violations of various state laws set forth herein.

**THE PARTIES**

2. Power Music is a Nevada corporation having its principal offices at 112 North

Curry St. Carson City, Nevada 89703 and at 380 North 200 West #105, Bountiful, Utah 84010. Power Music records, creates, produces and sells, pre-recorded music media and downloads of music for aerobic, exercise, motivational, health and workout uses, and also developers, films, records, produces, and manufactures recorded video downloads and recorded media featuring recorded video, music, and instructional for exercise, fitness and workout. Power Music's products are sold throughout the United States, including to and through fitness instructors and exercise coaches, gyms, fitness clubs, and through Internet websites. Power Music, or its predecessors in title, have marketed and sold recorded music for fitness and exercise for more than 28 years, and have fitness and exercise videos for more than 21 years. Power Music is a market leader in recorded music and videos in the fitness and exercise industry.

3. On information and belief, defendant MOSSA has its principal office at 2130 Newmarket Parkway, Marietta, Georgia 30067. On information and belief, MOSSA markets and sells music, video, and exercise instructions training products, including over the Internet, at trade shows, social media, and at gyms, fitness clubs, and through a network of domestic and international distributors.

4. On information and belief, MOSSA was formed as a Georgia corporation for the purpose of carrying out its music, video, and exercise instruction business.

5. On information and belief, since no later than October 2014, MOSSA has been using as trademarks the words "POWER" and "POWER MUSIC" in connection with its music, videos, and training products, including in videos available on the Internet, and at trade shows and on social media.

6. MOSSA is not licensed by Power Music to use "POWER MUSIC", nor is

MOSSA affiliated, connected or associated in any way with Power Music.

### **JURISDICTION AND VENUE**

7. This is a civil action arising under the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, as well as violations of the state laws set forth herein. The court has subject matter jurisdiction over this matter pursuant to (1) 28 U.S.C. §1331, which gives federal district courts original jurisdiction over claims brought under the laws of the United States, (2) 28 U.S.C. §1338(a), which gives the court jurisdiction over trademark and unfair competition claims, and (3) 28 U.S.C. §1332, which gives the court jurisdiction over actions where the matter in controversy exceeds \$75,000 and is between citizens of different states. This court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. §§ 1367 and 1338.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b).

### **FACTUAL BACKGROUND**

#### ***A. Power Music's Marks as Prior Rights***

9. On January 25, 2000, the United States Patent and Trademark Office issued to Power Music trademark Registration No. 2,310,126 for the word mark POWER, based on an application filed October 10, 1995, for use in the following goods in International Class 9: "Pre-recorded compact discs featuring music for aerobic exercise, motivational, health and workout." Power Music's mark POWER has been used continuously since with music for exercise and fitness since at least 1988. This federal trademark registration is valid and incontestable under Section 15 of the Trademark Act. (Attached to this Complaint as Exhibit "A" is a true and correct copy of Registration No. 2,310,126.) Power Music's POWER word mark registration is

prima facie evidence of the validity of the mark and of Power Music's exclusive right to use the mark in commerce that Congress can regulate.

10. On April 26, 2011, the United States Patent and Trademark Office issued to Power Music trademark Registration No. 3,949,865 for the word mark POWER for use in the following goods in International Class 9: "Downloadable musical sound recordings; digital audio, music and video for use for health, fitness or exercise, downloadable from the Internet; downloadable video recordings for use for health, fitness and exercise; downloadable audio/video recordings for use for health, exercise, fitness or exercise; digital video for use for health, fitness or exercise, downloadable from the Internet" and with the following services in International Class 35 :on-line retail store services featuring audio, music and video for use in health, fitness and exercise; on-line retail store services featuring pre-recorded audio, music and/or video media, and downloadable pre-recorded audio, music and/or video." Power Music's mark POWER has been used continuously with videos containing music for fitness and exercise since at least January 7, 2008. This federal trademark registration is presently valid. (Attached to this Complaint as Exhibit "B" is a true and correct copy of Registration No. 3,949,865) Power Music's POWER word mark registration is prima facie evidence of the validity of the mark and of Power Music's exclusive right to use the mark in commerce.

11. On August 28, 2007, the United States Patent and Trademark Office issued to Power Music trademark Registration No. 3,284,128, based on an actual use application filed July 14, 2005, of the design mark P POWER MUSIC (shown below) for use with the following goods in International Class 9: "a line of pre-recorded audio compact discs featuring music for aerobic, exercise, motivational, health and workout."



Power Music's registered trademark rights accrue from its July 14, 2015, federal trademark application filing date, and at common law from its date of first use. Power Music's registration is incontestable under Section 15 of the Trademark Act. Power Music's trademark rights in its above P POWER MUSIC and Design mark under common law accrue from its date of first use, which is at least as early as January 1, 2005. The P POWER MUSIC design mark has been used continuously since then, and is valid and incontestable under Section 15 of the Trademark Act. (Attached to this Complaint as Exhibit "C" is a true and correct copy of Registration No. 3,284,128.)

12. On December 9, 2008, the United States Patent and Trademark Office issued to Power Music trademark Registration No. 3,543,943 for the word mark POWER MUSIC for use in the following services in International Class 35 "On-line retail store services featuring downloadable pre-recorded music and video files featuring fitness and exercise provided via computer and other communications networks," and with the following services in International Class 38 "Electronic transmission of entertainment media content on the internet, for aerobic, exercise, motivational, health and workout." Power Music's mark POWER MUSIC has been used continuously with those services since at least October 15, 2015, with rights under the registration accruing from the June 30, 2005 application date. This federal trademark registration is presently valid and incontestable under Section 15 of the Trademark Act. (Attached to this Complaint as Exhibit "D" is a true and correct copy of Registration No. 3,543,943.)

13. On January 27, 1998, the United States Patent and Trademark Office issued to Power Music trademark Registration No. 2,132,241 for the word mark POWER DOWN for use with “pre-recorded compact discs featuring music” in International Class 9. Power Music’s POWER DOWN mark has been used continuously since at least as early as January 1, 1991, with rights under the registration accruing from the December 6, 1996 application date. This federal trademark registration is presently valid and incontestable under Section 15 of the Trademark Act. (Attached to this Complaint as Exhibit “E” is a true and correct copy of Registration No. 2,132,241.)

14. On January 30, 1990, the United States Patent and Trademark Office issued to Power Music trademark Registration No. 1,579,873 for the word mark AEROBICS POWER MIX for with “pre-recorded audio cassettes, phonographic records and compact disks featuring music for aerobic exercise” in International Class 9. Except with audio cassettes and phonographic records Power Music’s AEROBICS POWER MIX mark has been used continuously since at least as early as January 1, 1998. This federal trademark registration is presently valid and incontestable under Section 15 of the Trademark Act. (Attached to this Complaint as Exhibit “F” is a true and correct copy of Registration No. 1,579,873.)

15. On December 3, 1996, the United States Patent and Trademark Office issued to Power Music trademark Registration No. 2,020,374 for the word mark POWER MIX for use with “pre-recorded compact discs, audio tapes and video tapes featuring music, health information, motivational and exercise instruction for use in group and individual exercise, health workouts and motivational sessions,” in International Class 9. Except with audio tapes and video tapes, Power Music’s POWER MIX mark has been used continuously since at least

January 1, 1988. This federal trademark registration is presently valid and incontestable under Section 15 of the Trademark Act. (Attached to this Complaint as Exhibit “G” is a true and correct copy of Registration No. 2,020,374.)

16. On July 20, 2004, the United States Patent and Trademark Office issued to Power Music trademark Registration No. 2,864,224 for the word mark POWERMIX for use with “pre-recorded compact discs featuring music for aerobic, exercise, motivational, health and workout” in International Class 9. Power Music’s mark POWERMIX has been used continuously with those goods since at least as early as May 1, 2001. This federal trademark registration is presently valid and incontestable under Section 15 of the Trademark Act. (Attached to this Complaint as Exhibit “H” is a true and correct copy of Registration No. 2,864,224.)

17. Power Music uses its distinctive word and design trademarks, identified above, and referred to collectively hereinafter as the “Power Music Marks” internationally and throughout the United States.

18. Since launching its business in 1988 Power Music, or its predecessor in title and interest, and its distributors and re-sellers, have spent millions in advertising and promoting the Power Music Marks to the public nationwide. These advertising and promotional efforts include Yahoo and Google Advertisements, television spots, tradeshow and other types of sponsorships, in the credits and on packaging of fitness DVDs with licensed or supplied music, Amazon MP3, Spotify, and other digital music retailers, email promotions, Social Media promotions and campaigns, demonstrations in gyms and fitness clubs, printed catalogues, in store advertisements, and Internet website advertisements, including through the following Internet websites:

-- www.powermusic.com

-- itunes.com

-- other websites of Power Music resellers

As a result of Power Music's efforts and the efforts of its distributors and re-sellers, Power Music has developed extremely valuable trademark rights, including statutory and common law rights, in the Power Music Marks extending nationwide.

19. As a result of continuous, widespread, substantial use and promotion, Power Music's Power Music Marks have acquired great value as an identifier of Power Music's recordings and exercise, workout, and motivational videos and music. Power Music has always used the Power Music Marks for exercise, workout, and motivational music and videos. For many years Power Music's products have been the leading exercise, motivational, and workout music and videos.

20. Power Music's POWER MUSIC marks have become famous throughout the United States identifying Power Music in the group fitness instructor, health club, consumer workout music, and fitness video licensing industries, for its music and videos for exercise, workout, motivation, and instruction.

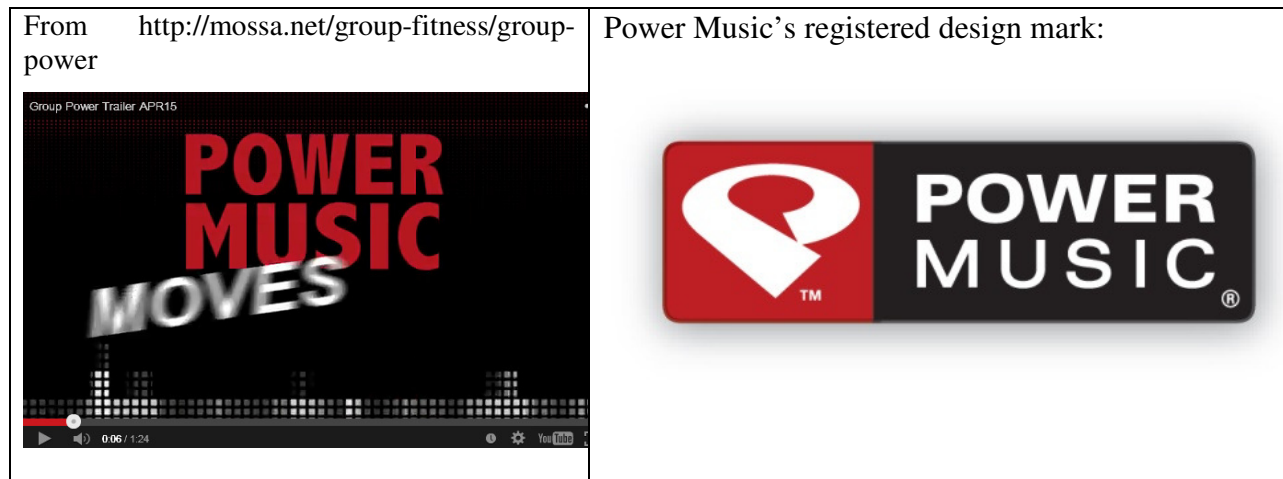
***B. MOSSA's Unlawful Conduct***

21. On information and belief, at least as early as October of 2014, MOSSA began using unauthorized and infringing uses of the words and phrases "POWER MUSIC" and "POWER" in connection with its music, video, training products, and posters, including at trade shows, gyms, fitness clubs, and in social media. This includes usage of "POWER MUSIC



MOVES”, “POWER MUSIC MOVES YOU”, and “HOW DOES POWER MUSIC MOVE YOU?” in promotional and instructional videos, posters, Internet websites, and advertising.

22. On information and belief, MOSSA’s use of “POWER MUSIC” and “POWER” in connection with competing products were nearly identical stylizations of the Power Music Marks. Examples of MOSSA’s use of “POWER MUSIC” and “POWER” are shown below and attached hereto as Exhibit I.



23. On information and belief, there has been actual confusion in the marketplace as between MOSSA’s use of “POWER MUSIC” and “POWER” with MOSSA’s competing products, and products of Power Music, properly bearing the Power Music Marks.

24. On information and belief, MOSSA is using unauthorized and infringing applications of the phrase “POWER UP” with its music, video, and training products, which are likely to cause confusion, mistake, or deception with Power Music’s federally registered “POWER DOWN” mark.

25. On information and belief, before MOSSA adopted its use of variations of the Power Music Marks, (a) MOSSA had constructive knowledge under the Trademark Act, and actual knowledge of all of the Power Music Marks, and (b) MOSSA had actual knowledge that the Power Music Marks, were in use with its music and video products for exercise, training, workout, and motivation.

26. On information and belief, before MOSSA adopted its use of variations of the Power Music Marks, MOSSA also knew that MOSSA's products and Power Music's products were for use as exercise, training, workout, and motivation tools, and that both Power Music's and MOSSA's products were or would be marketed to and in gyms, fitness clubs, and on the Internet. On information and belief, MOSSA knew that marketing its products in fitness stores and on the Internet, while Power Music was marketing its products in gyms, fitness clubs, and on the Internet, would result, and did result, in MOSSA selling and marketing products in the same channels of trade as Power Music's products branded with the Power Music Marks.

27. Even though:

(a) MOSSA had constructive and actual knowledge that the Power Music Marks are federally registered trademarks of Power Music;

(b) MOSSA had actual notice that Power Music's Power Music Marks were in widespread use in commerce including in sales of its product in gyms, fitness clubs, and on the Internet;

(c) MOSSA knew Power Music's Power Music Marks have no independent meaning other than that which has been developed through the efforts of Power Music; and

(d) MOSSA knew that Power Music's corporate name is "Power Music, Inc.";

MOSSA intentionally adopted the marks identical to or wholly including the words “POWER MUSIC”, or confusingly similar marks, such as adopting POWER UP while knowing of Power Music’s POWER DOWN mark, all for use with products identical or closely related to, and sold through overlapping and similar distribution channels as Power Music’s products bearing its Power Music Marks.

28. MOSSA’s unauthorized and infringing use and exploitation of Power Music’s registered trademarks as described above misappropriates the corporate name, business reputation, trademark rights, and goodwill of Power Music, and unjustly enriches MOSSA by enabling MOSSA to obtain unfairly the benefits of Power Music’s research, use, marketing, offering, advertising, brand recognition, and sales of Power Music’s products bearing the Power Music Marks. MOSSA has capitalized on the high-quality and long standing reputation and goodwill associated with Power Music and its Power Music Marks to enhance MOSSA’s sales, promotion, recognition, and acceptance of its products.

29. MOSSA’s conduct creates actual confusion, mistake, and deception, and a likelihood of confusion, mistake, and deception, as to the source and quality of MOSSA’s products. MOSSA has further sought to mislead consumers into believing MOSSA’s products are of the quality, effectiveness, source, and reputation similar or identical to Power Music’s products. Moreover, MOSSA’s conduct has diluted the quality, reputation and distinctiveness of the Power Music Marks and has caused and continues to cause Power Music to suffer irreparable injuries for which Power Music has no adequate remedy at law. Power Music has no adequate remedy at law in that, among other things: (a) the damages to Power Music are not precisely and

fully ascertainable; and (b) MOSSA's acts injure and threaten to continue to injure Power Music and its Power Music Marks.

30. On April 6, 2015, Power Music's counsel wrote to MOSSA, and reminded MOSSA of its federal trademark rights and registrations, and of Power Music's concerns regarding MOSSA's use of "POWER MUSIC" and other "POWER" marks and designations. MOSSA replied to that letter and denied any infringement. (Attached to this Complaint as Exhibit "J" are a true and correct copy of Power Music's said letter, and MOSSA's reply.) Therefore MOSSA's conduct regarding its adoption and use of marks identical and confusingly similar to the Power Music Marks is willful and knowing violation of the law, and constitutes an intentional and fraudulent attempt to confuse and deceive purchasers of MOSSA's products, and to dilute Power Music's Power Music Marks, all for MOSSA's profit.

31. MOSSA's unlawful acts complained of herein will cause further irreparable injury to Power Music if not restrained by this court from further violation of Power Music's rights.

32. MOSSA has gained profits and advantages as a result of its unlawful acts, in an amount to be proven at trial.

33. Power Music has suffered monetary loss as a result of MOSSA's unlawful acts, and such acts have caused Power Music general and special damage, including loss of profits and deprivation of the benefit and value of the goodwill attached to Power Music's trademarks, in an amount to be proven at trial.

**FIRST CAUSE OF ACTION**  
**(Trademark Infringement, Lanham Act, 15 USC § 1141(1))**

34. Power Music restates and incorporates by reference the allegations set forth above in Paragraphs 1 through 33 inclusive, above.

35. Power Music's Power Music Marks are federally registered. As to the marks "POWER", "POWER MUSIC", and "POWER DOWN", Power Music is the owner and senior user of those marks for use in music and video products for training, exercise, workout, and motivation.

36. MOSSA's conduct, as described above, constitutes the use in commerce of a colorable imitation, i.e. an infringement of Power Music's registered Power Music Marks, and is likely to cause confusion, mistake, or deception in the minds of the purchasing public as to the source, quality, reputation, or origin of MOSSA's products.

37. MOSSA's conduct, as described above, has caused confusion, mistake, or deception in the purchasing public as to the source, quality, reputation, sponsorship, affiliation, endorsement, or origin of MOSSA's products.

38. Power Music has not consented to MOSSA's use of the Power Music Marks. MOSSA had constructive and actual notice that Power Music is the owner and senior user of the nearly identical marks it is now using. MOSSA knows that Power Music has marketed its Power Music products under its "POWER MUSIC" entity name, and through its Internet websites, including [www.powermusic.com](http://www.powermusic.com), and on [iTunes.com](http://iTunes.com).

39. MOSSA's use of the designations "POWER", "POWER MUSIC", and "POWER UP" as marks were undertaken by MOSSA with the intent to confuse, mislead, and deceive the public, and to trade on Power Music's goodwill.

40. Accordingly, Power Music has been and continues to be damaged by MOSSA's use of "POWER", "POWER MUSIC", and "POWER UP", and MOSSA's conduct is therefore in violation of 15 U.S.C. § 1114(1).

**SECOND CAUSE OF ACTION**  
**(Federal Unfair Competition / False Representations and False Advertising,**  
**LANHAM ACT, 15 U.S.C. § 1125(A))**

41. Power Music restates and incorporates by reference the allegations set forth above in Paragraphs 1 through 40 inclusive, above.

42. Power Music's Power Music Marks have become uniquely associated with Power Music and hence identify Power Music as the source of products bearing the Power Music Marks. MOSSA's use in commerce of "POWER", "POWER MUSIC", and "POWER UP" as described above is confusingly similar to Power Music's Power Music Marks. MOSSA's commercial advertising and promotion in interstate commerce of "POWER", "POWER MUSIC", and "POWER UP" branded products, and product sold at MOSSA's websites, constitutes passing off, unfair competition, a false designation of origin, a false and misleading representation, and wrongfully and falsely designates MOSSA's exercise, training, workout, and motivation products as originating from, or being sponsored by, affiliated with, endorsed by, or connected with, Power Music. Usage of "POWER", "POWER MUSIC" and "POWER UP" by MOSSA, including in MOSSA's websites, in connection with the advertising and sale of training, exercise, workout, and motivation products, is likely to cause confusion, mistake, or deception in the purchasing public, as to the quality, nature, source, sponsorship, affiliation, endorsement, or origin of MOSSA's training, exercise, workout, and motivation products, or is likely to cause the purchasing public to believe wrongly that MOSSA's "POWER", "POWER MUSIC", and "POWER UP" products are otherwise associated or connected with Power Music or the Power Music Marks and products bearing them.

43. By engaging in the activities described above, MOSSA has made and is making

false, deceptive, and misleading statements constituting false representations and false advertising in connection with goods distributed in interstate commerce in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

44. MOSSA's acts described above have caused and are causing irreparable injury to Power Music and its Power Music Marks, and to the business and goodwill represented thereby, and unless enjoined, will cause further irreparable injury, whereby Power Music has no adequate remedy at law.

**THIRD CAUSE OF ACTION  
(COMMON LAW AND UTAH UNFAIR COMPETITION)**

45. Plaintiff Power Music restates and incorporates by reference the allegations set forth above in Paragraphs 1 through 44 inclusive, above.

46. As set forth herein above, on information and belief, MOSSA's actions are willful and intentional, are likely to cause confusion, to cause mistake, and to deceive the purchasing public as to the source or origin of MOSSA's products to injure Power Music's business reputation, goodwill, and trademarks.

47. As a direct and proximate result of MOSSA's conduct, Power Music has been and continues to be damaged.

48. MOSSA's acts, as set forth above, including its use of the Internet to advertise its products bearing "POWER MUSIC" and "POWER" marks, constitute common law trademark infringement, intentionally or recklessly intends to defraud or materially cause damage or disruption to any computing resources or to the owner of any computing resources, and malicious cyber activity, all in violation of the Utah Unfair Competition Act, including under Section 13-5a-102 and 13-5a-103 of the Utah Code Ann.

**FOURTH CAUSE OF ACTION  
(FEDERAL TRADEMARK DILUTION – 15 U.S.C. § 1125(c))**

49. Plaintiff Power Music restates and incorporates by reference the allegations set forth above in Paragraphs 1 through 48 inclusive, above.

50. Power Music is the owner and senior user of its Power Music Marks as described above.

51. Power Music's Power Music Marks are federally registered, distinctive, well known, and famous.

52. MOSSA's conduct and adoption and use of "POWER" "POWER MUSIC" and "POWER UP" as described above has diluted the distinctive quality, fame, reputation, value, and good will associated with Power Music's Power Music Marks.

53. MOSSA willfully intended to trade on Power Music's reputation and to cause dilution of Power Music's Marks as set forth herein.

54. Power Music has been and continues to be damaged by MOSSA's unlawful conduct. Accordingly, MOSSA's said acts are unlawful in violation of 15 U.S.C. 1125(c).

**FIFTH CAUSE OF ACTION  
(UTAH TRADEMARK DILUTION)**

55. Plaintiff Power Music alleges and incorporates herein by reference the allegations contained in paragraphs 1 through 54 inclusive, above.

56. Power Music is a well-known company and manufacturer of training, exercise, workout, and motivational products with offices or the headquarters in Utah for since 1994. Power Music's Power Music Marks are federally registered, first used in the State of Utah on or



before 1988, and have been continuously and widely used and advertised and publicized in the State of Utah, and are famous marks in the State of Utah.

57. MOSSA began use of “POWER”, “POWER MUSIC”, and “POWER UP” on or about October of 2014, which is after Power Music’s Power Music Marks became famous in Utah.

58. MOSSA willfully intended to trade on Power Music’s reputation and to cause dilution of Power Music’s famous Power Music Marks.

59. Power Music has been and continues to be damaged by MOSSA’s unlawful conduct. Accordingly, MOSSA’s said acts are unlawful in violation of Section 70-3a-403 Utah Code Ann.

**SIXTH CAUSE OF ACTION  
(ACTION FOR ACCOUNTING)**

60. Plaintiff Power Music alleges and incorporates herein by reference the allegations contained in paragraphs 1 through 59 inclusive, above.

61. By wrongly continuing to use the confusing and infringing the Power Music Marks, and thus representing to MOSSA’s customers and the public that MOSSA is entitled to use “POWER”, “POWER MUSIC” and “POWER UP”, MOSSA acted in conflict with Power Music’s rights in and to Power Music’s registered Power Music Marks.

62. Power Music is entitled to an order that MOSSA account to Power Music for all MOSSA’s profits realized by virtue of MOSSA’s unlawful acts as set forth herein, including for all “POWER”, “POWER MUSIC”, and “POWER UP” products sold.

63. Power Music is entitled to review all of MOSSA's business records to determine the extent to which MOSSA wrongfully profited from use of MOSSA's confusing and infringing "POWER", "POWER MUSIC", and "POWER UP" designated products.

**PRAYER FOR RELIEF (JURY TRIAL DEMANDED)**

**WHEREFORE**, Plaintiff Power Music respectfully prays for judgment in its favor and against MOSSA as follows:

1. For a preliminary and permanent injunction, enjoining and restraining MOSSA, its agents, servants, representatives, successors, assigns, and others in active concert or participation with them,
  - a. from using the Power Music Marks, or any variations thereof, including the word "POWER" alone as a mark, or any other designation confusingly similar with the Power Music Marks, or any mark likely to cause injury to Power Music's business reputation, in connection with any goods, services or products, or sham goods, services or sham products, on the Internet or in any other medium; and
  - b. from using any other trademark, service mark, trade name, corporate name, domain name, word or symbol, and from doing any other acts, likely to induce the belief that MOSSA's goods, services, sham goods, sham services, or business are Power Music's products, goods, services or business, or that MOSSA is in any way connected or associated with, or sponsored, affiliated or endorsed by, Power Music or Power Music's products, services, or business, or doing any other acts likely to injure

Power Music's business reputation or to dilute the distinctive quality of the Power Music Marks; and

- c. from otherwise engaging in acts of unfair competition, dilution of trademarks, and interference with Power Music's business reputation and relationships; and
- d. for an order that MOSSA recall, and destroy or acceptably re-label, all product currently in the channels of trade and distribution branded with Power Music Marks or anything confusingly similar therewith, including posters, videos, compact disks, videos, and advertising and promotional materials, and removal of products from MOSSA's websites, and third party websites, such as iTunes and YouTube; and
- e. with such an injunction to include a provision directing MOSSA to file with the Court and serve on Power Music within thirty (30) days after the service on MOSSA of such injunction, a report in writing under oath setting forth in detail the manner and form in which MOSSA has complied with the injunction.

2. For an order holding that MOSSA's activities relative to the Power Music Marks and MOSSA's advertising, as set forth above constitute unfair competition, false designation of origin, false representation and false advertising under the Lanham Act.

3. For an order holding that MOSSA's activities relative to the Power Music Marks and MOSSA's advertising, constitute common law trademark infringement, unfair competition,

unfair trade practices, intentional interference with economic advantage, and misappropriation under the federal Lanham Act and under the laws of the State of Utah.

4. For an order holding that MOSSA's activities relative to the Power Music Marks and MOSSA's advertising, constitute trademark dilution under the federal Lanham Act and under the laws of the State of Utah.

5. For an accounting of MOSSA's profits including from sales involving Power Music branded goods or services, as requested herein.

6. For damages equal to three times the amount of damages suffered by Power Music.

7. For punitive damages in an amount to be determined at trial.

8. For prejudgment interest.

9. For an order that MOSSA pay Power Music's attorneys' fees, and allowable costs associated with this action.

10. For such other relief as this Court may deem just and proper.

**JURY TRIAL DEMANDED.**

DATED this 30<sup>th</sup> day of April, 2015.

/s/ Ben Stanley  
Benjamin D. Stanley  
Preston C. Regehr  
TechLaw Ventures, PLLC  
Attorneys for Plaintiff  
Power Music, Inc.